

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

BRIAN BLANKENSHIP,  
Plaintiff,

v. Civil Action No: 1:13-8048

T.D. AMERITRADE, INC.,  
Defendant.

**JUDGMENT ORDER**

For the reasons set forth in the Memorandum Opinion and Order entered this same day, the court **GRANTS in part and DENIES in part** defendant's motion to dismiss, or in the alternative, motion to refer to arbitration (Doc. No. 3). Specifically, the court **DENIES** defendant's motion to dismiss pursuant to Rule 12(b)(6) and **GRANTS** defendant's motion to dismiss and refer to arbitration.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to plaintiff, pro se, and counsel of record.

The Clerk is further directed to remove this case from the court's active docket.

It is **SO ORDERED** this 18th day of February, 2014.

**ENTER:**

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber  
Senior United States District Judge